

REMARKS

Claim 32 was rejected by the Examiner under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have canceled claim 32.

Claims 15-20, 22-28 and 30-36 were rejected by the Examiner under 35 U.S.C. 102(b) as being anticipated by Shoup (US 4,151,920). Applicants have amended claims 15 and 25 to include, "...a defined surface", and "...for seating the defined surface upon said at least one crossmember". In addition, claim 30 has been amended to include, "...a defined surface", and "the defined surface being operably engageable with said at least one crossmember...". Shoup does disclose a recessed channel (saddle 56) and a crossmember (equalizer bar 60), however, Shoup does not teach or suggest a defined surface of the recessed channel being seated upon the crossmember. Shoup discloses that the equalizer bar 60 is pivotally mounted to the saddle 56 at pivot joint 58 (col 3, ln 12-21). Further the pivot joint allows the equalizer bar to oscillate within the saddle (col 3, ln 21-24), and, therefore, would restrict any surface of the equalizer bar from being seated upon the saddle. Therefore, Applicants respectfully submit that claims 15, 25 and 30 are in condition for allowance, and the rejection under 35 U.S.C. §102(b) be withdrawn.

In addition, claims 16-20, 22-24, 26-28 and 31-36 which are dependent on independent claims 15, 25 and 30, respectively, either directly or indirectly, add additional limitations therein. Therefore, the arguments asserted for claims 15, 25 and 30 are also applicable to these dependent claims and the rejection of claims 16-20, 22-24, 26-28 and 31-36 should also be withdrawn. Furthermore, it is respectfully submitted that claims 16-20, 22-24, 26-28 and 31-36 are in condition for allowance.

Claims 21 and 29 were rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over Shoup (US 4,151,920) in view of Macht (US 4,514,007). Claims 21 and 29 are dependent on independent claims 15 or 25, respectively, either directly or indirectly, add additional limitations therein. Therefore, the arguments asserted for claims 15 and 25 are also applicable to these dependent claims and the rejection of claims 21 and 29 should be withdrawn. Furthermore, it is respectfully submitted that claims 21 and 29 are in condition for allowance.

In addition, claim 19 has been amended to recite, "right and left track ~~assembly~~ assemblies", and claim 30 has been further amended to recite, "at least one ~~recessed~~ opening". Applicants respectfully submit that claims 19 and 30 are in condition for allowance.

It is respectfully urged that the subject application is in condition for allowance and allowance of the application at issue is respectfully requested.

No fees are believed to be incurred by this response. Should any attached papers become lost or separated or should any additional fees be deemed necessary for this submission, including for example petition and fee for extensions of time or additional claims, the Commissioner is requested to treat this as such petition, and is hereby authorized to charge any such fees due to Caterpillar Inc.'s Deposit Account No. 03-1129.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Diana L. Charlton", written over a horizontal line.

Diana L. Charlton  
Registration No. 36,103  
Caterpillar Inc.

Telephone: (309) 675- 5083  
Facsimile: (309) 675-1236